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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,254	11/25/2003	Yasuyuki Muraki	51270-307011	6058
27496	7590	09/13/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN LLP			FLETCHER, MARLON T	
P.O BOX 10500			ART UNIT	
McLean, VA 22102			PAPER NUMBER	
			2837	

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,254

Applicant(s)

MURAKI, YASUYUKI

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

1. The indicated allowability of claims 1-24 is withdrawn in view of the newly discovered reference(s) to Masatsugu (JP-2000276172). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Masatsugu (JP-2000276172).

Masatsugu discloses a musical tone reproducing apparatus and method that is provided in a portable terminal apparatus having system storage means as a general-purpose memory for storing various data including a tone color parameter group and system control means for controlling the whole apparatus including said system storage means, and that carries out musical tone reproduction in cooperation with said system storage means and said system control means, the musical tone reproducing apparatus comprising: a tone generator memory (10) as a general-purpose memory in which is registered at least a tone color parameter group including a predetermined number of tone color parameters read out from said system storage means; a cache memory (11) into which are inputted tone color parameters from the registered tone color parameter group at a predetermined data width from said tone generator memory and from which

are outputted the inputted tone color parameters at a data width larger than the predetermined data width (page 8, paragraph 5; and pages 19-20, paragraphs 50-53); a tone generator means (15) for carrying out musical tone reproduction based on tone color parameters outputted from said cache memory; and a tone generator control means (14) for controlling the musical tone reproducing apparatus based on commands from said system control means, wherein, based on a command for tone color parameter registration from said system control means, said tone generator control means carries out control such that predetermined addresses are given to the tone color parameters in the tone color parameter group read out from said system storage means and the tone color parameters are stored in said tone generator memory, and based on a command from said system control means to change a tone color set in said tone generator means, said tone generator control means carries out control such that a tone color parameter for the tone color to be changed to is read out from said tone generator memory and is transferred to said cache memory, and the tone color parameter for the tone color to be changed to is transferred from said cache memory to said tone generator means (abstract and page 9, paragraph 9).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said system control means reads out each of the tone color parameters from said tone generator memory by specifying a leading address of the predetermined addresses given to the tone color parameters (page 14, paragraph 26).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said system control means writes into said system storage means and reads out from

said system storage means leading addresses of the predetermined addresses given to the tone color parameters stored in said tone generator memory.

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said tone generator memory outputs to said cache memory at a data width smaller than one channel's worth of the tone color parameters (page 14, paragraph 26-27).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said cache memory outputs at least one channel's worth of the tone color parameters to said tone generator means at a time (pages 13-14, paragraphs 22-25).

Masatsugu discloses a musical tone reproducing apparatus, wherein said tone generator means carries out the musical tone reproduction based on sequence data that has been converted into a predetermined format (page 15, paragraphs 28-29).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said tone generator memory comprises a first tone generator memory and a second tone generator memory, and said tone generator control means determines whether a leading address contained in a command from said system control means is within said first tone generator memory or within said second tone generator memory, and reads out a tone color parameter corresponding to the leading address within said first tone generator memory or said second tone generator memory (page 23, paragraph 59; page 24, paragraph 66; and page 25, paragraphs 74-76).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein said first tone generator memory is a random access memory (5), and said second tone generator memory is a read only memory (4).

Masatsugu discloses a musical tone reproducing apparatus and method, wherein the portable terminal apparatus has data receiving means (8) for receiving external data, and data received by said data receiving means is stored in said system storage means.

Masatsugu discloses a portable terminal apparatus having a musical tone reproducing apparatus and method, wherein said system control means (3) carries out a portable terminal apparatus function process as a main process.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 10/17/2005 was filed after the mailing date of the Notice of Allowance on 09/09/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

The present IDS provided newly cited references; one which was highly relevant and therefore, was applied against the allowed claims. The examiner had initially spoke with the attorney to suggest language which could overcome the prior art. The applicant declined the suggestion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

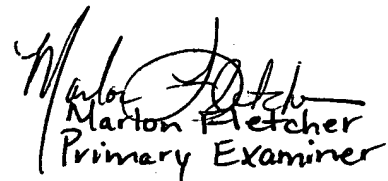
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



08/18/2006



Martin Fletcher
Primary Examiner